

## STATUTORY CHECKLIST [§58.35(a) activities]

### for Categorical Exclusions and Environmental Assessments

Note: Review of the items on this checklist is required for both Categorical Exclusions under Sec. 58.35(a) and projects requiring an Environmental Assessment under Sec. 58.36. If no compliance with any of the items is required, a Categorical Exclusion [58.35(a)] may become "exempt" under the provisions of Sec. 58.34 (a) (12). In such cases attach the completed Statutory Checklist to a written determination of the exemption. Projects requiring an Environmental Assessment under Sec. 58.36 cannot be determined to be exempt even if no compliance with Statutory Checklist items is found. Three items listed at Sec. 58.6 are applicable to all projects, including those determined to be exempt.

**Project Name and Identification No.** Owner-Occupied Rehabilitation and Rebuilding Program  
(019-1237) 17 Ann St. Milford, CT 06460

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Documentation and Comments
<b>Document Laws and authorities listed at 24 CFR Sec. 58.5</b>							
1. Historic Properties [58.5(a)] [Section 106 of NHPA]		<b>X</b>					House is greater than 50 years old and requires consultation with the State Historic Preservation Office (SHPO) prior to the start of work. SHPO determination pending (see attachment 1). Construction will not begin until Standard Treatments necessary to mitigate potential adverse effects to historic properties are completed to the satisfaction of SHPO (if necessary).
2. Floodplain Management [58.5(b)] [Ex Or 11988] [24 CFR 55]				<b>X</b>			Property is located inside the Flood Zone VE, which is associated with the 100 yr flood zone. See attachment 2, Flood Insurance Rate Map (FIRM) Number 09009C0529J from FEMA at <a href="https://msc.fema.gov">https://msc.fema.gov</a> .
3. Wetland Protection [58.5 (b)]			<b>X</b>				Property is within FWS designated estuarine and marine wetland per the United States Fish and Wildlife Services (USFWS) at <a href="http://www.fws.gov/wetlands/Data/Mapper.html">http://www.fws.gov/wetlands/Data/Mapper.html</a> . Field inspection for wetland vegetation will be required. See attachments 3 and 4.
4. Coastal Zone Management [58.5(c)]		<b>X</b>					Property within coastal zone. See attachment 5 created from GIS data of the Coastal Boundar Zone from CT Environmental Conditions Online (CT ETO) at <a href="http://cteco.uconn.edu/map_catalog.asp">http://cteco.uconn.edu/map_catalog.asp</a> . The Office of Long Island Sound had no comments regarding the coastal site impacts (See attachment 22).
5. Water Quality – Aquifers [58.5(d)] [40 CFR 149]	<b>X</b>						There are no aquifer protection areas in Milford according to CT DEEP at <a href="http://www.ct.gov/dEep/cwp/view.asp?a=2685&amp;q=322248&amp;deepNav_GID=1654">http://www.ct.gov/dEep/cwp/view.asp?a=2685&amp;q=322248&amp;deepNav_GID=1654</a> . This project does not involve on-site water and/or sewer facilities.
6. Endangered Species [58.5(e)] [16 U.S.C. 1531 et seq.]					<b>X</b>		Property is inside of NDDB area, and on a sandy beach with waterfront. See attachment 6. A NDDB application was reviewed by DEEP. DEEP requires that construction activities


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							be restricted from the end April to mid-August to protect the piping clover (see attachment 7). According to the FWS Natural Resources of Concern report, there are no critical habitats and there are no wildlife refuges within the vicinity of the property (see attachment 8).
7. Wild and Scenic Rivers [58.5 (f)] [16 U.S.C. 1271 et seq.]	<b>X</b>						Property location is greater than one mile from a wild and scenic river (Eightmile River).
8. Air Quality [58.5(g)] [42 U.S.C. 7401 et seq.]	<b>X</b>						The project is residential rehabilitation with no anticipated quantifiable increase in air pollution.
9. Farmland Protection [58.5(h)]	<b>X</b>						This project is in an urban residential area, there is no landuse conversion, and work will be confined to the existing building footprint.
Manmade Hazards 10 A. Thermal Explosive [58.5(i)]	<b>X</b>						Project will not add density.
10 B. Noise [58.5(i)]	<b>X</b>						Project is restoration of structure substantially as it existed prior to Superstorm Sandy.
10 C. Airport Clear Zones [58.5 (i)]	<b>X</b>						Property not located in airport clear zone per Google Maps. See attachment 9.
10 D. Toxic Sites [58.5 (i)(2)(i)]	<b>X</b>						Project is not listed on the EPA Superfund National Priorities or CERCLA lists or equivalent State list. Landfill is located 5,200 feet away. The property does not have an underground storage tank (which is not residential fuel tank). The property is not known or suspected to be contaminated by toxic chemicals or radioactive materials.
11. Environmental Justice [58.5(j)]	<b>X</b>						The property is not located in a minority or low-income population neighborhood.
<b>Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns</b>							
12 A. Flood Insurance [58.6(a) & (b)]			<b>X</b>				Flood insurance will be required and maintained for a minimum of five years.
12 B. Coastal Barriers [58.6(c)]	<b>X</b>						Property is not located in Coastal Barrier Resources System. See attachment 10 that was found on CT ECO at <a href="http://cteco.uconn.edu/map_catalog.asp">http://cteco.uconn.edu/map_catalog.asp</a> .
12 C. Airport Clear Zone Notification [58.6(d)]	<b>X</b>						Project does not involve the purchase or sale of a property as such 24 CFR 58.6(d) is not applicable.
13 A. Solid Waste Disposal [42 U.S.C. S3251 et seq.] and [42 U.S.C. 6901-6987 et seq.]	<b>X</b>						The Milford Solid Waste Division is responsible for the collection of garbage, recyclables, and bulky waste from

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							residences. Construction debris must be brought to City Carting at 221 Old Great Lane, Milford, CT or approved location. The project involves the demolition of the foundation, existing windows, siding and roof structure. As this is a small single family house, sufficient capacity should be available at City Carting or other approved location to accept the demolition wastes.
13 B. Fish and Wildlife [U.S.C. 661-666c]	<b>X</b>						The project will not result in impounding, diverting, deepening, channelizing or modification of any stream or body of water. The project is not a water control project.
13 C. Lead-Based Paint [24 CFR Part 35] and [40 CFR 745.80 Subpart E]	<b>X</b>						Lead-based paint was not found during field testing on 6/27/2014. See attached report (attachment 11).
13 D. Asbestos			<b>X</b>				Asbestos was found during field testing on 6/27/2014. See attached report (attachment 12). Compliance will include notification and removal of asbestos hazards.
13 E. Radon [50.3 (i) 1]	<b>X</b>						Radon testing is not required as this house is to be elevated and will be provided with an unenclosed space below.
13 F. Mold	<b>X</b>						Mold has been detected in house through visible inspection. The house is to be completely demolished and therefore mold abatement will not be required.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]				<b>X</b>			Property is located inside the Flood Zone VE, which is associated with the 100 yr flood zone. See attachment 1, Flood Insurance Rate Map (FIRM) Number 09009C0529J from FEMA at <a href="https://msc.fema.gov">https://msc.fema.gov</a> . Requires General Permit for CDBG-DR program activities with DEEP. See Appendix B Professional Certification Form (attachment 13).
14 B. Structures, Dredging & Fill Act [CGS 22a-359 to 22a-363]	<b>X</b>						The proposed building is not waterward of Coastal Jurisdiction Line. (See attachment 21.)
14 C. Tidal Wetlands Act [CGS 22a-28 to 22a-35]				<b>X</b>			Property is located in FWS designated estuarine and marine wetland. See attachment 3. After field inspection for wetland vegetation, it was determined that the property does not contain wetland vegetation.
14 D. Local inland wetlands/watercourses [CGS 22a-42]	<b>X</b>						Property not located in inland wetlands. See attachments 3 and 4.
14 E. Various municipal zoning approvals			<b>X</b>				House is zoned R-5 (see attachment 14) and does not conform to local zoning regulations. See attachment 15 for zoning requirements, existing conditions, and proposed conditions. Variances may be required prior to starting work. See CT ECO Map, Aerial Photograph, Town Topo, Tax Assessor Map and Zoning Map (attachments 16-20) for reference.

**DETERMINATION:**

- ☐ This project converts to Exempt, per §58.349a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license. Funds may be drawn down for this (now) EXEMPT project; OR
- ☒ This project cannot convert to Exempt because one or more statutes/authorities requires consultation or litigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per §58.70 and 58.71 before drawing down funds; OR
- ☐ The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Prepared by:

  
Name: J. Andrew Bevilacqua

09.29.14  
Date

Responsible Entity or designee Signature:

  
Hermia Delaire, CDBG-DR Program Manager

9/25/14  
Date